STATUTORY RULES OF NORTHERN IRELAND

2005 No. 486

ANIMALS

ANIMAL HEALTH

The Avian Influenza (Preventive Measures in Zoos) Regulations (Northern Ireland) 2005

Made - - - - 4th November 2005

The Department of Agriculture and Rural Development(**1**)is designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Community(**4**). Exercising the powers conferred upon it by that section, it makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Avian Influenza (Preventive Measures in Zoos) Regulations (Northern Ireland) 2005 and come into operation on 4th November 2005.

Interpretation

2.—(1) In these Regulations—

"avian influenza" means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

"avian influenza prevention (zoo) zone" means any area or zoo declared as such under regulation 4(2)(a);

"the Commission Decision" means Commission Decision 2005/744/EC laying down the requirements for the prevention of highly pathogenic avian influenza virus caused by influenza A virus of subtype H5N1 in susceptible birds kept in zoos in the Member States(**5**);

(**1**) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments Order 1999 (S.I.1999/283 (N.I. 1))
(**2**) S.I. 2000/2812
(**3**) 1972, c. 68
(**4**) S.I. 1972/1811
(**5**) O.J. No. L. 279 22.10.2005, p. 75

"Council Directive" means Council Directive 92/65/EEC(**6**) of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC

"the Department" means the Department of Agriculture and Rural Development;

"general licence" means a licence issued under these Regulations which applies to all persons, or any class of persons specified therein;

"inspector" means an inspector appointed by the Department under these Regulations or under the Order;

"the Order" means the Diseases of Animals (Northern Ireland) Order 1981(**7**);

"other captive bird" means any bird kept in captivity other than poultry, including birds kept for shows, races, exhibitions and competitions (such as ornamental birds and racing pigeons);

"poultry" means all birds that are reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

"premises" means land, with or without buildings;

"specific licence" means a licence issued under these Regulations which only applies to the applicant therefor;

"susceptible bird" means any species of bird that is likely to be susceptible to avian influenza and which is not intended for the production of animal products;

"restrictions notice" means a notice served under regulation 4(2)(b);

"zoo" means—

(a) a permanent establishment (other than a circus or a pet shop) where animals of wild species are kept for exhibition to the public for seven or more days a year; and

(b) an approved body, institute or centre, as defined in point (c) of Article 2(1) of Council Directive 92/65 EC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Licences, notices and declarations

3.—(1) A notice or declaration under these Regulations shall be in writing, may be subject to conditions and may be amended, suspended or revoked in writing at any time.

(2) A licence under these Regulations shall be in writing, may be subject to conditions and may be either a general licence or a specific licence.

(3) A general licence shall be issued by the publication of it in such manner and to such extent as appears to the Department to be sufficient to bring it to the notice of those persons likely to be affected by it.

(4) The Department may amend, suspend or revoke any licence under these Regulations—

(a) in the case of a general licence, by a notice published so far as is practicable, in the same manner and to the same extent as the licence; and

(**6**) O.J. No. L. 268 14.09.1992, p. 54
(**7**) 1981 No. 1115 (N.I. 22) as amended S.I. 1984/702 (N.I. 2) Article. 17 and S.I.1994/1891 (N.I. 6) Articles. 19, 22 and 23
(**8**) 1954c.33(N.I.)

(b) in the case of a specific licence, by a notice served on the person to whom the licence was issued.

(5) The Department may amend, suspend or revoke a general licence insofar as it applies to any particular person by notice served on that person.

(6) The Department shall take such steps as it considers necessary to ensure that notices or declarations are brought to the attention of those who may be affected by them and, in particular, shall ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it and the dates of its declaration and revocation (and any suspension of it) are publicised.

Risk assessment and imposition of restrictions

4.—(1) The Department shall evaluate the risk of the transmission of avian influenza virus (in particular virus of the subtype H5N1) from wild birds to susceptible species in zoos, taking into account the criteria and risk factors set out in Annex I to the Commission Decision.

(2) Having carried out such an evaluation, the Department shall, if it considers it necessary to reduce the risk of such transmission—

(a) declare an avian influenza prevention (zoos) zone in all or part of Northern Ireland; and

(b) serve or cause an inspector to serve a restrictions notice on the owner or occupier of any zoo where susceptible birds are kept.

(3) The Department shall, in a declaration of an avian influenza prevention (zoos) zone or in a restrictions notice, impose such of the following requirements as it considers necessary on zoos in the zone or the subject of a notice—

(a) susceptible birds must be housed or otherwise kept separate from wild birds;

(b) susceptible birds must not be exposed to risk of exposure to the faeces of wild birds or other material that may have been contaminated with avian influenza virus by wild birds;

(c) domestic ducks and geese must be kept separate from other susceptible birds;

(d) susceptible birds must be fed and provided with drinking water indoors or under a shelter which prevents wild birds from gaining access to the food or water supply;

(e) persons other than keepers of the birds must be prohibited from having access to areas where susceptible birds are kept;

(f) the keeper of susceptible birds must take appropriate biosecurity measures in such areas and when entering and leaving such areas;

(g) such other requirements as the Department considers necessary to reduce the risk of transmission of avian influenza from wild birds to susceptible birds in zoos.

(4) A declaration of an avian influenza prevention (zoos) zone shall—

(a) specify the boundaries of the zone; and

(b) specify the restrictions and requirements which apply in the zone.

(5) The Department may, in accordance with Article 2 of the Commission Decision, declare that certain premises are exempt from such requirements or restrictions.

(6) A person to whom restrictions or requirements in a declaration or a notice under these Regulations apply shall, subject to any exception under paragraph (5), comply with such restrictions or requirements, except to the extent that he is authorised to do otherwise by a licence issued by the Department.